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SUBJECT: OPPOSITION APPEARS TO HAVE HELD UP LISBON TREATY
OVER PRESS BILL, FOR A LITTLE WHILE

Classified By: Ambassador Vincent Obsitnik, for reasons 1.4 b and d

11. (C) Slovakia's parliament -- despite PM Fico's urging -- postponed the planned January 30 vote on ratification of the EU Lisbon Treaty 30 due to the opposition's insistence that the government withdraw its draft press law. Parliament postponed further consideration until January 31, and may have to delay a vote until March. Ratification requires 90 of the 150 votes in parliament and the ruling coalition only holds 85 votes, which gives the opposition meaningful leverage on a parliamentary vote for perhaps the first time since losing power in mid-2006. Slovakia will eventually approve the Lisbon Treaty, since five of six major parties support the treaty in principle, but the opposition's headline tactics shortly in advance over the EU's final decision on Euro adoption may delay the process -- and possibly affect the Euro decision itself. If the opposition plays its cards correctly, it has the potential to achieve a rare victory by amending a press law bill that poses a threat to civil liberties in Slovakia. Our sources tell us that PM Fico tried on January 30 to split the opposition on this issue to get the additional five votes, but failed, probably because he was too anxious to deal a blow to his predecessor, SDKU leader Dzurinda. Berenyi also told us that Fico confidant and Speaker of Parliament Pavol Paska advised the PM to accept postponing the vote until the next parliamentary session, due to start March 26, although we cannot rule out an earlier extraordinary session.

12. (C) One of the leaders of the ethnic Hungarian coalition SMK, Jozef Berenyi (protect), told us that Fico quietly invited SMK leader Pal Csaky to a private meeting early January 30 -- the first time Fico had a formal meeting with Csaky since June 2006 -- to ask Csaky's price for the SMK to break away from its fellow opposition parties and vote to ratify the treaty. Among Csaky's conditions were withdrawal of the current draft of the press law and consultations between ethnic Hungarian teachers and the Education Minister regarding changes in the draft education law affecting the use of Hungarian in schools. Fico readily agreed, but then added a condition of his own: Csaky would have to get Dzurinda and his party to vote in favor of ratification, too. Csaky tried to persuade Dzurinda but failed. Predictably, Dzurinda said that if Fico wanted his votes, he should invite him to discuss what SDKU would get in return. (Comment: Fico obviously was not willing to show any weakness to Dzurinda and probably tried to use the issue to force a larger split in the opposition.) Presidential advisor Jan Foltin (protect) implicitly confirmed today's intrigue by telling us that the PM had taken risks to try to win a larger political victory. The intrigue was enough to provoke a call from EU

President Barroso to the EU representative here inquiring whether treaty ratification was really in danger. Foltin, whose boss, President Gasparovic, blasted the opposition for its tactics, said he considered a postponed vote the best possible outcome at this point. Foltin said he had spoken to former Foreign Minister Kukan, who expressed confidence that the treaty would be ratified when it was considered in the next session of parliament.

The Press Law

13. (C) The opposition says it opposes the press law for reasons that we and the OSCE share:

- "Right to Respond." In contrast to other European laws with the same name, Slovakia's draft press law would require publishers to print full responses to any complainant who feels their "honor, dignity, name, or reputation" was impugned by factual claims in a given article -- or else be fined by the Ministry of Culture. If such provisions were utilized regularly, publishers would be under significant pressure to reduce editorial content and investigative reporting.

- The Ministry of Culture would gain authority to levy significant fines on publishers for "containing information that promotes" drug use, politically motivated hate speech, and other offenses. The provisions are so vaguely worded that almost anything could be arbitrarily construed as an offense.

Prime Minister Fico (Smer) strongly supports the legislation and has not tried to hide his desire to regulate the media, saying that the bill was designed so that journalists "will

BRATISLAVA 00000040 002 OF 002

not continue to print lies and half-truths." The proposal has gathered increasing opposition, including a formal objection by the OSCE Representative for Freedom of the Media on January 22. The formerly supportive Slovak Syndicate of Journalists, which helped draft parts of the bill, came out against the bill on January 28, followed the next day by a HZDS-connected journalist group. Ambassador Obsitnik has raised the embassy's reservations about the bill with Foreign Minister Kubis and Minister of Interior Kalinak. Several European embassies have also raised questions with the Slovak government.

The Power of 65

14. (C) Despite these objections, the draft would under normal circumstances be easily approved by parliament since no MPs among Fico's ruling coalition partners -- SNS and HZDS -- have registered any concerns with the bill. The concurrent presence of the Lisbon Treaty on the docket changes the dynamic however, giving the united 65-vote opposition an opportunity to make demands. Reactions from the coalition and government have been swift and occasionally surprising. The SMK's Berenyi told us that behind closed doors (where he did not need to posture), the once-anti-EU HZDS Meciar spoke out strongly in favor of ratification and criticized the opposition for holding it up. In the process, SDKU Chairman Dzurinda and SMK Chairman Csaky know that they are taking their own risk (holding up a treaty they have always championed) and have been careful to say that they have no problem with the Lisbon Treaty itself, arguing in Dzurinda's words that "we can return to (it) anytime...such as in the March or May parliamentary sessions." Berenyi told us that the SMK leadership was catching considerable flack from its membership, since ethnic Hungarians in Slovakia have long viewed the EU as a protector of minority rights here. Among the opposition, only the Christian conservative KDH party has raised significant objections to the Treaty. In fact, it is likely that the Lisbon Treaty can be brought to a vote in

March or May even if it voted down in February, since Slovakia has no clear rules or precedent related to rejected international treaties, and the strongly pro-Lisbon and pro-Euro Smer party runs the parliamentary rules committee.

Outlook

15. (C) While Dzurinda and company are eager to flex their temporary muscles, it is not clear yet whether the tactic will force major changes in the press law. Firstly, the opposition's decision to spend its capital to stop the press law will only increase the Prime Minister's resolve to get the law passed eventually. Secondly, the impending decision in Brussels on Euro adoption creates a game of chicken which could hurt both sides. Fico scheduled the Lisbon Treaty ratification vote for early February to send a message to Brussels that Slovakia is ready for Euro accession, anticipating that the EU will make its final decision by May, perhaps earlier. Given the tight deadlines for the Euro, the opposition may be able to extract a heavy price from the PM for its Lisbon vote, boosting its image and providing a badly needed win. But Fico has a keen eye for exploiting weaknesses, such as the upset SDKU might create among its voters and EU allies over this tactic, so the ultimate outcome of this battle is very much up in the air.

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